

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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TRINITY PHARRIS,

Plaintiff(s),

v.

STATE OF NEVADA DEPARTMENT OF
CORRECTIONS,

Defendant(s).

Case No. 2:15-CV-268 JCM (CWH)

ORDER

Presently before the court is defendant State of Nevada Department of Corrections's ("defendant") motion to dismiss. (Doc. # 9). Plaintiff Trinity Pharris ("plaintiff") did not file a response, and the deadline to respond has now passed.

On February 13, 2015, plaintiff filed a complaint alleging gender discrimination and retaliation arising out of her employment with defendant. (Doc. # 1). Defendant argues that dismissal is proper because plaintiff has failed to show exhaustion of administrative remedies and has not established a prima facie case as to her claims. (Doc. # 9).

Pursuant to District of Nevada Local Rule 7-2(d), "the failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion." D. Nev. R. 7-2(d). However, the court will not automatically grant every unopposed motion. Instead, the court must weigh the following factors before dismissing the action: (1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases of their merits; and (5) the availability of less drastic sanctions. *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995).

1 Having considered the motion and plaintiff's complaint in light of the *Ghazali* factors, the
2 court will grant the motion. The first three factors—the public's interest in expeditiously resolving
3 this litigation, the court's interest in managing the docket, and the risk of prejudice to defendants—
4 all weigh in favor of dismissal. See *Ghazali*, 46 F.3d at 53; *Anderson v. Air West*, 542 F.2d 522,
5 524 (9th Cir. 1976) (holding that a presumption of injury arises from the occurrence of
6 unreasonable delay).

7 The remaining factors are outweighed by the arguments supporting dismissal. Plaintiff is
8 represented by counsel. She had an opportunity to respond to the instant motion and failed to do
9 so. Based on the foregoing, the court will grant defendant's motion to dismiss.

10 Accordingly,

11 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant's motion to
12 dismiss, (doc. # 9), be, and the same hereby is, GRANTED. Plaintiff's complaint is hereby
13 DISMISSED.

14 The clerk shall enter judgment accordingly and close the case.

15 DATED July 22, 2015.

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17 UNITED STATES DISTRICT JUDGE
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